IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6781 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

HARIPRASAD C DAVE

Versus

REGIONAL MANAGER

Appearance:

1. Special Civil Application No. 6781 of 1988

MR GM JOSHI for Petitioner No. 1

MR SB VAKIL for Respondent No. 1-2

RULE SERVED for Respondent No. 3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/04/2002

ORAL JUDGEMENT

1. The petitioner has challenged the order of the Labour Court, Rajkot in Recovery Application No.8 of

1985, by which the petitioner's application under sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947 (`the Act' for short) was rejected.

2. It is clear from the plain reading of the impugned order that after appreciation of the evidence on record, it was found that the conditions of the settlement on which the claim of the petitioner was based were not satisfied and the Labour Court had, therefore, reached the conclusion that the petitioner had failed to establish any existing right. That finding and the conclusion could not be assailed as perverse or, in any way, illegal. Instead, the material placed on record by the petitioner himself and with the affidavit-in-reply of the respondent only buttressed the finding and the conclusion.

3. Thus, no case is made out to interfere with the impugned order and the petition has to be accordingly dismissed. It would, however, be open for the respondent to consider the representation which the petitioner may make if even now the requisite certificate for claming the wages could be furnished by the petitioner. The petition is accordingly dismissed. Rule is discharged with no order as to costs.

Sd/-

(D.H.Waghela, J.)

19.4.2002
(KMG Thilake)